

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Southam, et al.

Serial No.: 10/615,547

Filed: July 8, 2003

Group Art Unit: 2143

Examiner: Jean Gilles, Jude

Docket No. 200208274-1

For: **Systems and Methods for Testing Network Services**

**DECLARATION OF DAVID RISLEY  
PURSUANT TO 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir,

I, David Risley, hereby declare that:

1. Applicant's claims have been rejected under 35 U.S.C. § 102(e) and § 103(c) as being unpatentable over Knauerhase et al., U.S. Pub. No. 2005/0021663 ("the Knauerhase reference").

2. Applicant asserts that (i) the named inventors identified in the instant application conceived of the claimed inventions prior to the effective date of the Knauerhase reference (i.e., June 30, 2003), and (ii) Applicant and Applicant's representative were diligent from prior to that effective date to the filing date of the instant application.

3. Evidence of previous conception is provided in Attachment A, which is a copy of an Invention Disclosure that describes the claimed inventions. The Invention Disclosure is dated "8-27-02," a date prior to the June 30, 2003 filing date of the Knauerhase reference.

4. Evidence of diligence is provided in Attachment B, which is a "Request for Quote" for preparing the patent application sent from Applicant (i.e., Hewlett-Packard) to the undersigned attorney (i.e., David Risley). The Request for Quote specifies a "Date to be Filed in PTO" of "6/19/03."

5. Further evidence of diligence is provided in Attachment C, which comprises a copy of an email message sent June 17, 2003 from the undersigned attorney to inventor Blaine Southam. As indicated in that email message, attached to the message was a copy of a draft of the instant application. Attachment C also comprises a copy of a reply email message sent June 18, 2003 from Blaine Southam to the undersigned attorney approving the draft for filing assuming minor changes were made.

6. Further evidence of diligence is provided in Attachment D, which is a copy of an email message sent June 24, 2003 from Applicant's managing attorney (i.e., Bill O'Meara) to the undersigned attorney approving filing of the draft once further changes were made.

7. Further evidence of diligence is provided in Attachment E, which is a copy of a letter sent June 27, 2003 from the undersigned attorney to inventor Blaine Southam requesting that he inventor and his co-inventors review the finalized patent application and, assuming it meets with their approval, execute and return documents including inventor Declarations.

8. Further evidence of diligence is provided in Attachment F, which is a copy of a reporting letter sent July 8, 2003 from the undersigned attorney to Applicant's managing attorney confirming filing of the instant application as well as the executed inventor Declarations.

9. In view of the above, the following is a time table reflecting actions taken relative to the instant application:

<u>Dates</u>	<u>Actions</u>
January 30, 2003	Applicant provides request for quote specifying a filing due date of "6/19/03"
June 18, 2003	Inventor approves patent application draft
June 24, 2003	Managing attorney approves of patent application draft
June 27, 2003	Applicant's representative requests review of finalized application and executed inventor Declarations

June 27-July 8, 2003	Inventors review finalized application, execute inventor Declarations, and return inventor Declarations
July 8, 2003	Applicant's representative files application

10. As can be appreciated from the above, Applicant and Applicant's representative were diligent from before the June 30, 2003 filing date of the Knauerhase reference through to Applicant's own filing date (i.e., date of constructive reduction to practice). Applicant notes that a turn-around time of eleven (11) days for multiple inventors to (i) conduct a final review of an application draft, (ii) execute an inventor declaration, and (iii) mail the executed declaration back to Applicant's representative is "reasonably diligent" as per MPEP 2138.06, especially given the fact that the inventors are employees of Applicant and have various responsibilities beyond aiding in the pursuit of patents.

I hereby declare that all statements made herein are of my own knowledge and are true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.


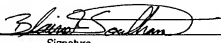

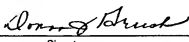
  
\_\_\_\_\_  
David Risley

2/26/08  
\_\_\_\_\_  
Date

## ATTACHMENT A

Write in Dark Ink on Front Side Only, Please

ADD-FC

		<b>INVENTION DISCLOSURE</b>		PAGE ONE OF <u>FOUR</u>	
PDNO		DATE RCVD <u>8-27-02</u>		ATTORNEY <u>TJN</u>	
<b>Instructions:</b> The information contained in this document is HP Confidential and may not be disclosed to others without prior authorization. Submit this disclosure to the HP Legal Department as soon as possible. No patent protection is possible until a patent application is authorized, prepared, and submitted to the Government.					
<b>Descriptive Title of Invention:</b> A method to non-invasively test Web Services using mock Web Services and redirection.					
<b>Name of Project:</b> Close the Loop					
<b>Product Name or Number:</b> Web Services Manageability Tools Conclusion					
Was a description of the invention published, or are you planning to publish? If so, the date(s) and publication:					
No					
Was a product or prototype including the invention (i) announced, offered for sale, or sold to any third party (for example, customer, supplier, contract manufacturer), or (ii) sold to HP, for example, a supplier or contract manufacturer, or (iii) is such activity proposed? If so, when and to whom?					
No					
Was the invention disclosed to anyone outside of HP, or will such disclosure occur? If so, the date(s) and name(s):					
Yes, the wizard-style graphical user interface prototype of all of the test environment data entry (which mentions mock Web Services and redirection) was demonstrated at the XML - Web Services One Conference + Expo in San Jose, June 4-7, 2002. <i>If any of the above situations will occur within 3 months, call your IP attorney or the Legal Department now at 1-898-4919 or 970-898-4919.</i>					
Was the invention described in a lab book or other record? If so, please identify (lab book #, etc.)					
Yes, this invention was described in PowerPoint slides and Word documents on the Close the Loop project team's server.					
Was the invention built or tested? If so, the date:					
Yes. May 2002					
Was this invention made under a government contract? If so, the agency and contract number:					
No					
<b>Description of Invention:</b> Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).					
A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)					
B. Advantages of the invention over what has been done before.					
C. Problems solved by the invention.					
D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).					
<b>Signature of Inventor(s):</b> Pursuant to my (our) employment agreement, I (we) submit this disclosure on this date: ( <u>Aug 22, 2002</u> ).					
571604	Blaine R Southam		898-3616	M/S 7-5LF4	ADO 40AI-7543
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
249019	David Christopher Davidson		898-3903	M/S 7-5LG3	ADO 40AI-7543
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
367077	Donna J. Grush		898-0979	M/S 7-5LG4	ADO 40AI-7543
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
(If more than four inventors, include additional information on another copy of this form and attach to this document)					

Write in Dark Ink on Front Side Only, Please

INVENTION DISCLOSURE		HP Confidential	PAGE TWO OF FOUR
<b>Signature of Witness(es):</b> <i>(Please try to obtain the signature of the person(s) to whom invention was first disclosed.)</i> The invention was first explained to, and understood by, me (us) on this date: <u>1 May, 2002</u>			
Full Name	Signature	Date of Signature	
<i>David R. Wright</i>	<i>David R. Wright</i>	<i>8/22/02</i>	
Full Name	Signature	Date of Signature	
<i>Michael Vermeulen</i>	<i>Michael Vermeulen</i>	<i>8/22/02</i>	
<b>Inventor &amp; Home Address Information:</b> <i>(If more than four inventors, include addt. information on a copy of this form &amp; attach to this document)</i>			
Inventor's Full Name			
Blaine R Southam			
Street			
2144 Meander Road			
City	State	Zip	
Windsor	CO	80550	
Do you have a Residential P.O. Address? P.O. BOX		City	Zip
No			
Greeted as (nickname, middle name, etc.)		Citizenship	
		USA	
Inventor's Full Name			
David Christopher Davidson			
Street			
1449 Walnut Street			
City	State	Zip	
Windsor	CO	80550	
Do you have a Residential P.O. Address? P.O. BOX		City	Zip
No			
Greeted as (nickname, middle name, etc.)		Citizenship	
		Canada	
Inventor's Full Name			
Donna J. Grush			
Street			
1936 Willow Springs Way			
City	State	Zip	
Fort Collins	CO	80528	
Do you have a Residential P.O. Address? P.O. BOX		City	Zip
No			
Greeted as (nickname, middle name, etc.)		Citizenship	
		USA	
Inventor's Full Name			
Street			
City			
State	Zip		
Do you have a Residential P.O. Address? P.O. BOX		City	Zip
No			
Greeted as (nickname, middle name, etc.)		Citizenship	

Write in Dark Ink on Front Side Only, Please

**Description of Invention:** *Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).*

- A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)

When testing a Web Service, many components and data are required:

- a client that calls the Web Service
- the Web Service itself that is being tested
- other Web Services that may be called by the tested Web Service.

This disclosure discusses how to enable the tested Web Service ( Testee ) to be used either in a production environment or in a test environment without altering the Testee's source code.

When a Testee acts as a client to other Web Services, typically the external Web Services will be determined and hard-coded into the Testee prior to deployment. For example if the Testee relies on a Calculator Web Service with an address of <http://www.example.com/WebService/Calculator>, then whenever the Testee is executed, it will require the use of the external Calculator Web Service. If the external site is continually used then it can cause high latency, increased bandwidth usage, and if the external Web Service charges a per usage fee – it can become expensive.

By interjecting an intermediary redirector, the external Web Service address can be mapped to an internal Mock Web Service, that emulates the behavior of the external Calculator Web Service.

The redirector works in the following way: The redirector would be provided a table of mappings: the requested address, and the redirected address. All requests from the Testee would be redirected through the redirector. The redirector would then compare the incoming request to the table of requested addresses. If the redirector does not find a match, the request would be forwarded without modification. If there were a match, then the request would be made to the mapped ( or redirected ) address rather than to the requested address.

The redirector could be implemented in one of several possible ways. For example, it could be implemented by and proxy, or by handler. (See invention disclosure "A service to redirect SOAP messages using a proxy to support local Web Service testing and debugging" and "Non-Invasive SOAP Message Instrumentation using SOAP Message Handlers.")

Mock Objects prior art: Endo-Testing: Unit Testing with Mock Objects – Mackinnon, Freeman, Craig

See attachment "Normal Web Services client interaction"

See attachment "Web Services client interaction with Mock Service via redirection"

See attachment "Story: HTTP proxy – Create Proxy"

See attachment "Web Services Test Environment Demo Issues"

- B. Advantages of the invention over what has been done before.

Allows Web Services acting as clients to be tested without the need to rely on external Web Services – thus reducing network latency, bandwidth usage and possible usage charges.

Write in Dark Ink on Front Side Only, Please

C. Problems solved by the invention.

It allows the Testee Web Service to be tested in a completely closed environment, removing all external dependencies, without the need to modify the Testee Web Service.

D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).

Prior solutions required modification of the Testee Web Service by changing the "real" external Web Service address to the "Mock" Web Service address in the source code, which would require a recompile, and redeployment.

ATTACHMENT B

Request for Quote and Engagement Letter Agreement

RE: Hewlett-Packard (HP) Docket No.: 200208274-1

Date: January 30, 2003

050833-1870  
FAXED

☒ This is a request for a quote for the following services:

☐ This is a confirmation of your quote for the following services:

PREPARE

☒ Application

☒ File with USPTO

☐ Response

☐ Return to HP for filing

☒ Other: YOUR FINISHED PRODUCT TO HP SHOULD INCLUDE ALL ITEMS ON THE ENCLOSED CHECKLIST

HP REQUIRED DATES:

Draft due 6/1/03

Date for Receipt by HP

Due 6/19/03

Date to be Filed in PTO

HP Attorneys of Record: (to be included on the Declaration)

Customer Number 022879

HP Primary Technical Contact: ALL INVENTORS SEE DISCLOSURE FOR DETAILS

Telephone: +1 (970) 898-3613

HP Entity: ADO.FC

Address: blaine\_southam@hp.com

ADDITIONAL TERMS OR INSTRUCTIONS:

See **UPDATED** supplemental procedures for new cases

TOTAL PRICE: \_\_\_\_\_ (Including Formal Drawings)

Total Price to include up to a 2 hr. preliminary patentability search unless otherwise instructed by HP Attorney

I agree to the terms of this Agreement including the additional terms above, pursuant to the HP Procedures for Outside Counsel revised **November 2001**, which I have received and reviewed. This Agreement will not be binding on either party until signed by an authorized representative of HP.

Attorney at your firm handling this matter:

Thomas, Kayden, Horstemeier & Risley L.L.P.

By: Scott A. Horstemeier

Scott A. Horstemeier

Dave Risley  
HEWLETT-PACKARD COMPANY

By: \_\_\_\_\_

William P. O'Meara

Dated: 02/05/03

Dated: \_\_\_\_\_

## ATTACHMENT C

Risley, David

---

**From:** SOUTHAM, BLAINE (HP-FtCollins,ex1) [blaine.southam@hp.com]  
**Sent:** Wednesday, June 18, 2003 5:02 PM  
**To:** Risley, David  
**Subject:** RE: Patent app draft (200208274-1; 050833-1870)

Dave,

Another one that looks really good.

One change on page 10. I made a change that I think clears up the sentence. I think that this change should also be made in the previous application.

A couple of changes on page 18. I deleted a complete sentence, and made a note trying to clarify info about the handler. Let me know if it doesn't make sense.

Very good work!

-Blaine

> -----Original Message-----

> From: Risley, David [mailto:David.Risley@tkhr.com]

> Sent: Tuesday, June 17, 2003 12:10 PM

> To: Blaine Southam (E-mail)

> Subject: Patent app draft (200208274-1; 050833-1870)

>

>

> Blaine,

>

> Attached to this email is a draft of your second patent  
> application (re: redirectors and redirection) including the  
> text and drawings.

>

> Please review the application draft for accuracy and  
> completeness and have your co-inventors do the same. You can  
> make changes directly to the text (with "track changes"  
> activated), call me to discuss what changes you consider  
> necessary, or email suggestions to me. I look forward to  
> your comments. Thanks!

>

> \*\*Note that this one is similar to the first application.  
> I've identified changes to the recurring material with  
> tracking, and have indicated the new material with the label  
> "New Material" on page 15. The Summary, Claims, and Abstract  
> are all new.

>

> Best regards,

>

> Dave Risley

> Thomas, Kayden, Horstemeyer & Risley, L.L.P.

> 100 Galleria Parkway, N.W.

> Suite 1750

> Atlanta, Georgia 30339-5948

> Phone (770) 933-9500

> Fax (770) 951-0933

>

> <<S-M for Redirecting Service Requests (00054398).DOC>>

> <<Figures 1-7 (00054724).PDF>>

>

>

ATTACHMENT D

Risley, David

---

**From:** WPOMeara@aol.com  
**Sent:** Tuesday, June 24, 2003 7:13 PM  
**To:** Risley, David  
**Cc:** donna.kraft@hp.com  
**Subject:** 200208274-1

Dave

The above application is approved for filing after making the following changes:

- 1) In the Summary, at line 6, after "directed" add ~~--to--~~.
- 2) Fill in the blanks on page 10.
- 3) Add a Fig. 7 that is a block diagram of Claim 1, using identical language, and adding appropriate description to the specification.

Please call if you would like to further discuss this.

Best regards,

Bill O'Meara

**TKHR**

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

ATTORNEYS AT LAW

100 Galleria Parkway, NW  
Suite 1750  
Atlanta, GA 30339-5948  
Telephone: (770) 933-9500  
Facsimile: (770) 951-0933  
[www.tkhr.com](http://www.tkhr.com)

David R. Risley  
(770) 933-9500 ext. 202

e-mail: [david.risley@tkhr.com](mailto:david.risley@tkhr.com)

June 27, 2003

**VIA FEDERAL EXPRESS**

Blaine R. Southam  
**Hewlett-Packard Development Company, L.P.**  
3404 E. Harmony Road (Mail Stop 7-5LF4)  
Bldg. 6, Dock A  
Fort Collins, CO 80528-9599

Re: U.S. Utility Patent Application  
Title: **Systems and Methods for Testing Network Services**  
Inventor: Southam, et al.  
Your Docket No.: 200208274-1; Our Docket No.: 050833-1870

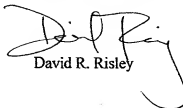
Dear Blaine:

Enclosed please find the patent application and drawings for the above-identified invention. Also enclosed are the Assignment and Declaration and Power of Attorney. If the utility application meets with your approval please execute the documents and then pass them along to the other inventors for review and execution. I have enclosed a Federal Express envelope for the return of these document.

Please feel free to contact me with any questions or comments.

Sincerely,

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, LLP**

  
David R. Risley

DRR/mrm  
Enclosures

**TKHR**

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

ATTORNEYS AT LAW

100 Galleria Parkway, NW  
Suite 1750  
Atlanta, GA 30339-5948  
Telephone: (770) 933-9500  
Facsimile: (770) 951-0933  
[www.tkhr.com](http://www.tkhr.com)

David R. Risley  
(770) 933-9500 ext. 202

e-mail: [david.risley@tkhr.com](mailto:david.risley@tkhr.com)

July 8, 2003

William P. O'Meara, Esq.  
**Hewlett-Packard Development Company, L.P.**  
Legal Department MS 79  
3404 E. Harmony Rd.  
Ft. Collins, CO 80528

Re: U.S. Utility Patent Application  
Title: Systems and Methods for Testing Network Services  
Inventors: Southam, et al.  
Your Docket: 200208274-1; Our Docket: 050833-1870

Dear Bill:

In accordance with your authorization and instructions, we have today prepared and filed a utility patent application for the above-identified invention. The inventors have reviewed the application and have approved of the filing of the enclosed version. In this regard, we are pleased to forward the following:

1. Utility patent application containing:
  - 18 Pages of Specification
  - 7 Pages of Claims
  - 1 Page of Abstract
  - 8 Pages of Formal Drawings;
2. Diskette containing software files of the above-listed items. The patent application has been provided in Microsoft Word format and Text Searchable File in PDF format and the drawings are also included in a Text Searchable File in PDF format;
3. Transmittal Page;
4. Copy of the executed Declaration and Power of Attorney;
5. Copy of the confirmation postcards;

William P. O'Meara, Esq.,

July 8, 2003

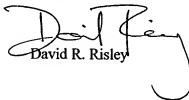
Page 2

6. Copy of HP's Checklist; and
7. Original Assignment (to be filed from your office).

Please do not hesitate to contact me if you have any questions.

Sincerely,

**THOMAS, KAYDEN, HORSTEMEYER,  
& RISLEY, L.L.P.**



David R. Risley

DRR/mrm  
Enclosures

cc: Scott Horstemeyer, Esq. (w/out enclosures)